



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,180	06/28/2001	Frank J. Ponzio JR.	4640-110 US	5317

25241 7590 03/31/2005

MATHEWS, COLLINS, SHEPHERD & GOULD, PA  
100 THANET CR, SUITE 306  
PRINCETON, NJ 08540

EXAMINER
----------

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/894,180

Applicant(s)

PONZIO, FRANK J.

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office action is in response to Applicant's amendment, filed on 11/04/2004.
2. Claims 25-48 are pending.
3. The rejection to claims 25-48 under 35 U.S.C. 103 (a) as being unpatentable over Ishikawa et al (U.S. Pat. No. 6,628,817) in view of Graves et al (U.S. Pat. No. 5,410,344) as set forth in the Office action mailed 4/30/2004 is maintained.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-48 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ishikawa et al (U.S. Pat. No. 6,628,817) in view of Graves et al (U.S. Pat. No. ,410,344).

As per claims 25-28 and 33-48 Ishikawa substantially discloses an inspection data signal analyzing system, comprising:

Assessing the quality of the content (or analyzing or monitoring data signal) of the preexisting independently created data using one or more predefined sets of criteria corresponding to a business (see., abstract, figs 2 and 5A- 5C, col 3, lines 22-41, col 6,

Art Unit: 3621

lines 20-57). It is to be noted that Ishikawa fails to explicitly disclose the steps of assigning a grade indicative of the quality (or rating), wherein the receiver dynamically evaluates the marked grade or rate of the data to determine suitability for a particular subsequent use is a function of the marked grade and the particular subsequent use.

However, Graves discloses a method/system for selecting audiovisual (or data signal) programs for presentation to a viewer. A neural network process predicts the programs in which a viewer would have the highest interest by determining a grade and rate for each analyzed program (see., abstract, col 6, lines 17-52). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the inspection data signal of Ishikawa by including the limitation detailed above as taught by Graves because this would determine a manufacturing problem based on grading and rating.

As per claims 29-32 Ishikawa discloses the claimed method wherein the quality corresponds to a particular data field of the at least one data field, and a particular record of the at least record (see., abstract, specifically wherein said the data analysis station, the coordinates on which the disposition of the chips (or data field) are described on a product basis are equal to those on which the locations of the defects, col 3, lines 22-41, col 12, lines 33-47).

## RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 11/04/2004 have been fully considered but they are not persuasive. Necessitated by amendment.

#### REMARKS

7. Applicant argues the prior art of record (Ishikawa and Graves) singularly or in combination fail to disclose:

a. "assessing the quality of the content". As indicated above, Ishikawa discloses this limitation in col 3, lines 21-41, specifically wherein said a function of determining or assessing on which chip each defect is caused. It is thus possible to grasp how particles are attached and defects are caused on each chip...).

b. "suitable for a particular subsequent use". However, the Examiner respectfully disagrees since Graves discloses a method/system for selecting audiovisual (or data signal) programs for presentation to a viewer. A neural network process predicts the programs in which a viewer would have the highest interest by determining a grade and rate for each analyzed program (see., abstract, col 6, lines 17-52). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the inspection data signal of Ishikawa by including the limitation detailed above as taught by Graves because this would determine a manufacturing problem based on grading and rating.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

Art Unit: 3621

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Pierre Eddy Elisca**

**Primary Patent Examiner**

**March 21, 2005**